

Sixth Appellate District

San Jose, California

TUESDAY, MAY 29, 2007

H029953 PEOPLE v. WILSON

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed May 29, 2007

H030097 RAMALINGHAM v. THOMPSON, et al.

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (published)  
(Bamattre-Manoukian, Acting P.J.; Duffy, J.)  
Filed May 29, 2007

H030097 RAMALINGHAM v. THOMPSON, et al.

By the Court:

Appellant, respondent and amicus have requested that our opinion, filed on April 30, 2007, be certified for publication. It appears that our opinion meets the standards set forth in California Rules of Court, rules 8.1105(c). The request is GRANTED. The opinion is ordered published in the Official Reports. (Bamattre-Manoukian, Acting P.J., Mihara, J., Duffy, J.)  
Filed May 29, 2007

The following case is submitted this date:

H030445 EULENBERG, et al. v. RODRIGUEZ, et al.

H028588 & H029712 In re Marriage of CIOFFI

The judgment in case No. H028588 is reversed. John is awarded costs on appeal. The order in case No. H029712 is reversed. The parties are to bear their own costs on appeal. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed May 29, 2007

WEDNESDAY, MAY 30, 2007

H029616 PEOPLE v. EVANS

The judgment is reversed. The cause is remanded to the trial court for resentencing. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed May 30, 2007

Sixth Appellate District

San Jose, California

Wednesday, May 30, 2007 (continued)

H029470 ZARATE v. CENTURY 21 SU CASA et al.

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed May 30, 2007

H030372 PEOPLE v. AGUILERA

The judgment is affirmed. The trial court is directed to prepare a new abstract of judgment reflecting victim restitution of \$16,257.28 and \$247.55 to the State Victim's Board and to forward the abstract to the Department of Corrections. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed May 30, 2007

H029622 PEOPLE v. VILLARREAL

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed May 30, 2007

The following case is submitted this date:

H028397 PEOPLE v. OLVERA

H030531 PEOPLE v. PHILLIPS

The judgment of conviction is affirmed. (not published)  
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed May 30, 2007

H029693 PEOPLE v. ANDREW C.

The order committing minor to CYA is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed May 30, 2007

H030304 PEOPLE v. URENO

The matter is remanded to the trial court to hold a hearing to determine if appellant is entitled to work-rime credits. In all other respects, the judgment is affirmed.  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 30, 2007

Sixth Appellate District

San Jose, California

THURSDAY, MAY 31, 2007

H030099 H.B. FULLER COMPANY v. DOE

All filings presently under seal in this matter shall be unsealed 15 days from the date of this order unless, prior to that time, plaintiff designates specific documents, originally filed by it, that it wishes the court to strike from the record. In the event plaintiff designates such documents, they will be stricken from the record and the appeal will be decided without regard to them. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 31, 2007

H029707 PEOPLE v. BYRD

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 31, 2007

H030262 EXATRON, INC. v. DiFRANCESCO

The judgment confirming the arbitrator's Final Award is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 31, 2007

H027313 PEOPLE v. SALDANA

The judgment is reversed, and the matter is remanded for resentencing and a hearing on defendant's ability to pay attorney's fees. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 31, 2007

FRIDAY, JUNE 1, 2007

H029241 PEOPLE v. ESQUIVEL

By the Court:

The court having requested supplemental briefing in H031276, Esquivel on Habeas Corpus, on its own motion, submission of the cause in the above entitled matter is hereby vacated to permit further consideration of the issues. The cause is ordered resubmitted.

Dated: June 1, 2007

Rushing, P.J.

Sixth Appellate District

San Jose, California

Friday, June 1, 2007 (continued)

H030407 PEOPLE v. HEARD

The judgment is reversed and the matter is remanded to the trial court to determine if defendant actually requested a Marsden hearing at his November 26, 2003 sentencing. The trial court shall hold a hearing to determine if defendant requested a Marsden hearing. Defendant shall be personally present at the hearing. If the trial court finds defendant *did* request a Marsden hearing at his November 26, 2003 sentencing, the trial court shall conduct such hearing. If the trial court conducts a Marsden hearing and determines that appointment of substitute counsel is *not required*, the original judgment shall be reinstated and affirmed. Should the trial court find that substitute counsel is required, the court is directed to appoint substitute counsel and proceed accordingly. In addition, if the trial court finds defendant *did not* make a request for a Marsden hearing at his sentencing, the original judgment shall be reinstated and affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed June 1, 2007

H027409 PEOPLE v. RAMIREZ

The case is remanded to the lower court for a new sentencing hearing, during which the court shall recalculate defendant's custody credits. In all other respects, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 1, 2007

H029583 PEOPLE v. CLARKE

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed June 1, 2007

H030441 In re BRANDON O., et al; DFCS v. MICHELLE O.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 1, 2007

\*Before Bamattre-Manoukian, Acting P.J., and Duffy, J.